



Customer No. 26308



26308

PATENT TRADEMARK OFFICE

PATENT

Attorney Docket No. 9417.17665

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Information application of: McDevitt  
Serial No: 10/034,344  
Filed: 28 December 2001  
For: Expandable Polymer Dental Implant and Method of Use

Group Art Unit: 8342  
Examiner: T. Manahan

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AUG 06 2003  
TECHNOLOGY CENTER R3700

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE  
OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [if] the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:
  - (1) a final action under S 1.113 or
  - (2) a notice of allowance under S 1.311,  
whichever occurs first.

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed as follows: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 1 August 2003.

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02 FC:1806

  
Signature of Person Signing

Linda S. Wenzel

<p>LIST OF PRIOR ART CITED BY APPLICANT (See several sheets if necessary)</p> <p>O I P E AUG 04 2003 U. S. PATENT &amp; TRADEMARK OFFICE CUST. NO. 26308</p>	ATTY DOCKET NO. 9417.17665	SERIAL NO. 10/034,344
	APPLICANT McDevitt	
	FILING DATE 28 December 2001	GROUP 8342

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## U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (if Appropriate)
	3,435,526	01 Apr 69	Brancoto			PATENT TRADEMARK OFFICE
	3,797,113	19 Mar 74	Brainin			
	3,849,887	26 Nov 74	Brainin			
	3,934,347	27 Jan 76	Lash			
	4,186,486	05 Feb 80	Gordon			RECEIVED
	4,199,864	29 Apr 80	Ashman			AUG 06 2003
	4,244,689	13 Jan 81	Ashman			TECHNOLOGY CENTER 13700
	4,270,905	02 Jun 81	Mohammed			
	4,304,553	08 Dec 81	Heimke et al.			
	4,318,696	09 Mar 82	Kasama et al.			
	5,174,755	29 Dec 92	Fukuda			
	5,350,300	27 Sep 94	Gallais			

## FOREIGN PATENT DOCUMENTS

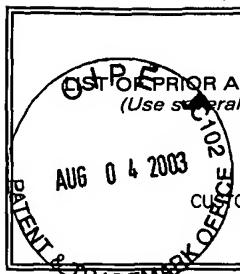
	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes      No
	WO 01/06909 A2	01 Feb 01	PCT			

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

		20010000486, Story 26 Apr 2001

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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	APPLICANT McDevitt	
	FILING DATE 28 December 2001	GROUP 8342
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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	5,425,639	20 Jun 95	Anders			
	5,439,381	08 Aug 95	Cohen			
	5,492,470	20 Feb 96	Anders			RECEIVED
	5,527,182	18 Jun 96	Willoughby			AUG 06 2003
	5,558,517	24 Sep 96	Shalaby et al.			TECHNOLOGY CENTER R3700
	5,584,693	17 Dec 96	Nishihara et al.			
	5,759,205	02 Jun 98	Valentini			
	5,766,009	16 Jun 98	Jeffcoat			
	5,782,918	21 Jul 98	Klardie et al.			
	5,873,721	23 Feb 99	Willoughby			
	5,882,351	16 Mar 99	Fox			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes      No

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


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<p style="text-align: center;">LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)</p> <p style="text-align: center;">AUG 04 2003 SC 102 CUSTOMER NO. 26308</p> <p style="text-align: center;">PATENT &amp; TRADEMARK OFFICE</p>	ATTY DOCKET NO. 9417.17665	SERIAL NO. 10/034,344
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## U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,996,779	07 Dec 99	Klardie et al.			
	6,083,004	04 Jul 00	Misch et al.			
	6,116,070	12 Sep 00	Oshida et al.			
	6,126,445	03 Oct 00	Willoughby			AUG 06 2003
	6,142,296	07 Nov 00	Klardie et al.			TECHNOLOGY CENTER R3700
	6,193,516	27 Feb 01	Story			
	6,283,753	04 Sep 01	Willoughby			
	6,287,310	11 Sep 01	Fox			
	6,299,448	09 Oct 01	Zdrahala et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


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